

This policy and its implementing procedures exist to encourage innovation, clarify ownership and proper usage of intellectual property (instructional materials/media created by district employees) rights, and provide for the equitable distribution of monetary and other benefits derived from intellectual property. The policy and procedures apply to all faculty, staff and any other persons employed by the District and to all persons receiving funding administered by the District or receiving other compensation from the District, and apply to currently existing intellectual property and to all intellectual property disclosed to the District after the effective date of the policy. There are four basic categories of intellectual property: copyrights, patents, trademarks, and trade secrets.

Ownership

Subject to the exceptions identified below, the District shall be the sole owner of all intellectual property created through the use of District resources or facilities, supported directly or indirectly by funds administered by the District, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the District.

1. The District shall have no ownership rights in the following intellectual property, which shall be owned by its creator:
 - a. Regular academic work products, provided that the regular academic work product was not assigned in writing to the District or specifically ordered or commissioned and designated in writing by the creator and District as a specially commissioned work.

If the intellectual property referred to above is a derivative of or otherwise uses preexisting District-owned intellectual property, this provision shall not prevent the District from asserting its pre-existing rights.

2. For intellectual property created in the course of or pursuant to external sales, industrial affiliates programs or other contractual arrangements with external (non-District) parties, ownership will be determined in accordance with the terms of the District's agreement with the external party and applicable law.

Right to Publish

Nothing in this policy shall be construed as affecting the rights of a creator to publish, except that the creator must agree to observe a brief period of delay in publication or external dissemination if the District so requests and such a delay is necessary to permit the District to secure protections for intellectual property disclosed to it by the creator.

Use of Teaching Materials

In order to facilitate joint work on teaching materials and support collaborative teaching, and notwithstanding the ownership rights otherwise granted by this policy, individuals who contribute teaching materials used in jointly developed and taught District courses thereby grant a

nonexclusive, nontransferable license to the District to permit other contributors to the course to continue using those jointly produced teaching materials in District courses.

Distribution of Income

If the District receives income from intellectual property disclosed to and licensed or otherwise transferred by the District, it may be appropriate to share some portion of the net income with the creator in the form of a bonus or other temporary salary supplement. Any such distribution will be made at the discretion of the Board.

Failure to comply with provisions of this policy or its implementing procedures is a violation and may result in discipline of an employee in accordance with applicable District policies and procedures.

LEGAL REF: Federal Copyright Act [17 U.S.C. et seq.]

CROSS REF: SCC District Policy 330, Curriculum Development and Improvement

Policy Adopted: April 13, 2015